

AMENDED IN SENATE AUGUST 16, 2010

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1691**

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**Introduced by Assembly Member Ammiano**

January 27, 2010

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*An act to amend Section 66602 of, and to add Section 92022 to, the Education Code, relating to public postsecondary education. An act to amend Section 11062 of the Penal Code, relating to law enforcement.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1691, as amended, Ammiano. ~~Trustees of the California State University and Regents of the University of California: meetings. Crime laboratories: oversight.~~

*Existing law requires the Department of Justice to establish and chair a task force known as the Crime Laboratory Review Task Force to review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future and to report its findings to the Department of Finance and specified legislative committees by July 1, 2009.*

*This bill would require the task force to submit to the Legislature a supplemental report, by July 1, 2011, that includes a proposal to establish a statewide body to oversee crime laboratories, as specified.*

~~(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members,~~

~~which include 5 specified ex officio members, a representative of the alumni associations of the university, 16 members appointed by the Governor, subject to confirmation by  $\frac{2}{3}$  of the membership of the Senate, for 8-year terms, and 2 California State University students and one California State University faculty member appointed by the Governor for 2-year terms.~~

~~This bill would authorize each ex officio trustee, except the Chancellor of the California State University, to designate a person, as prescribed, to attend a meeting or meetings of the trustees in his or her absence. The bill would prohibit the designated person from having the power to vote on behalf of the ex officio trustee, being counted for purposes of establishing a quorum, and attending closed sessions of the board. The bill would prohibit an ex officio trustee from designating more than one person to attend meetings of the trustees in any calendar year.~~

~~(2) Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require the membership of the board to be composed of 18 appointive members, appointed by the Governor and approved by the Senate, and the following 7 ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the president and vice president of the alumni association of the university and the acting president of the university. These provisions also require the corporation to have all powers necessary or convenient for the effective administration of its trust, including the power to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise.~~

~~This bill would express legislative intent that each ex officio member of the board, to the extent authorized pursuant to those provisions of the California Constitution, designate a person to attend a meeting or meetings of the board in the member's absence in a manner that is consistent with this bill.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 11062 of the Penal Code is amended to*  
2     *read:*

3     11062. (a) The Department of Justice shall establish and chair  
4     a task force to conduct a review of California's crime laboratory  
5     system.

6     (b) The task force shall be known as the "Crime Laboratory  
7     Review Task Force." The composition of the task force shall,  
8     except as specified in paragraph (16), be comprised of one  
9     representative of each of the following entities:

- 10    (1) The Department of Justice.
- 11    (2) The California Association of Crime Laboratory Directors.
- 12    (3) The California Association of Criminalists.
- 13    (4) The International Association for Identification.
- 14    (5) The American Society of Crime Laboratory Directors.
- 15    (6) The Department of the California Highway Patrol.
- 16    (7) The California State Sheriffs' Association, from a department  
17    with a crime laboratory.
- 18    (8) The California District Attorneys Association, from an office  
19    with a crime laboratory.
- 20    (9) The California Police Chiefs Association, from a department  
21    with a crime laboratory.
- 22    (10) The California Peace Officers' Association.
- 23    (11) The California Public Defenders Association.
- 24    (12) A private criminal defense attorney organization.
- 25    (13) The Judicial Council, to be appointed by the Chief Justice.
- 26    (14) The Office of the Speaker of the Assembly.
- 27    (15) The Office of the President pro Tempore of the Senate.
- 28    (16) Two representatives to be appointed by the Governor.

29    (c) The task force shall review and make recommendations as  
30    to how best to configure, fund, and improve the delivery of state  
31    and local crime laboratory services in the future. To the extent  
32    feasible, the review and recommendations shall include, but are  
33    not limited to, addressing the following issues:

34    (1) With respect to organization and management of crime  
35    laboratory services, consideration of the following:

36    (A) If the existing mix of state and local crime laboratories is  
37    the most effective and efficient means to meet California's future  
38    needs.

1 (B) Whether laboratories should be further consolidated. If  
2 consolidation occurs, who should have oversight of crime  
3 laboratories.

4 (C) If management responsibilities for some laboratories should  
5 be transferred.

6 (D) Whether all laboratories should provide similar services.

7 (E) How other states have addressed similar issues.

8 (2) With respect to staff and training, consideration of the  
9 following:

10 (A) How to address recruiting and retention problems of  
11 laboratory staff.

12 (B) Whether educational and training opportunities are adequate  
13 to supply the needs of fully trained forensic criminalists in the  
14 future.

15 (C) Whether continuing education is available to ensure that  
16 forensic science personnel are up-to-date in their fields of expertise.

17 (D) If crime laboratory personnel should be certified, and, if so,  
18 the appropriate agency to assume this responsibility.

19 (E) The future educational role, if any, for the University of  
20 California or the California State University.

21 (3) With respect to funding, consideration of the following:

22 (A) Whether the current method of funding laboratories is  
23 predictable, stable, and adequate to meet future growth demands  
24 and to provide accurate and timely testing results.

25 (B) The adequacy of salary structures to attract and retain  
26 competent analysts and examiners.

27 (4) With respect to performance standards and equipment,  
28 consideration of the following:

29 (A) Whether workload demands are being prioritized properly  
30 and whether there are important workload issues not being  
31 addressed.

32 (B) If existing laboratories have the necessary capabilities,  
33 staffing, and equipment.

34 (C) If statewide standards should be developed for the  
35 accreditation of forensic laboratories, including minimum staffing  
36 levels, and if so, a determination regarding what entity should  
37 serve as the sanctioning body.

38 (d) The task force also shall seek input from specialized law  
39 enforcement disciplines, other state and local agencies, relevant  
40 advocacy groups, and the public. The final report also shall include

1 a complete inventory of existing California crime laboratories.  
2 This inventory shall contain sufficient details on staffing, workload,  
3 budget, major instrumentation, and organizational placement within  
4 the controlling agency.

5 (e) The first meeting of the task force shall occur no later than  
6 December 9, 2007.

7 (f) On or before July 1, 2009, the task force shall submit a final  
8 report of its findings to the Department of Finance and to the  
9 budget and public safety committees of both houses of the  
10 Legislature.

11 (g) (1) *The task force also shall prepare a supplemental report*  
12 *that includes a proposal to establish a statewide body to oversee*  
13 *crime laboratories. In preparing the supplemental report, the task*  
14 *force shall consider the following:*

15 (A) *The composition of the oversight body, including the number*  
16 *of members, process of appointment of the members, and terms of*  
17 *their membership.*

18 (B) *The funding, organization, and staffing of the oversight*  
19 *body.*

20 (C) *The functions of the oversight body.*

21 (D) *The reporting requirements of the oversight body.*

22 (2) *On or before July 1, 2011, the task force shall submit to the*  
23 *Legislature its supplemental report required under paragraph (1).*

24 (3) (A) *The requirement for submitting a report imposed under*  
25 *this subdivision is inoperative on July 1, 2015, pursuant to Section*  
26 *10231.5 of the Government Code.*

27 (B) *A report to be submitted pursuant to this subdivision shall*  
28 *be submitted in compliance with Section 9795 of the Government*  
29 *Code.*

30 **SECTION 1.** ~~Section 66602 of the Education Code is amended~~  
31 ~~to read:~~

32 ~~66602. (a) (1) The board shall be composed of the following~~  
33 ~~five ex officio members: the Governor, the Lieutenant Governor,~~  
34 ~~the Superintendent of Public Instruction, the Speaker of the~~  
35 ~~Assembly, and the person named by the trustees to serve as the~~  
36 ~~Chancellor of the California State University; a representative of~~  
37 ~~the alumni associations of the state university, selected for a~~  
38 ~~two-year term by the alumni council, California State University,~~  
39 ~~which representative shall not be an employee of the California~~  
40 ~~State University during the two-year term; and 16 appointive~~

1 members appointed by the Governor and subject to confirmation  
2 by two-thirds of the membership of the Senate.

3 (2) (A) Each ex officio member, except the Chancellor of the  
4 California State University, may designate a person, who is an  
5 officer or member of the same office or elective body as the  
6 member, to attend a meeting or meetings of the trustees in the  
7 member's absence. A person designated pursuant to this paragraph  
8 shall not have the power to vote on behalf of the member, shall  
9 not be counted as a member of the board for purposes of  
10 establishing a quorum, and shall not be permitted to attend closed  
11 sessions of the board. An ex officio member may designate only  
12 one person in a calendar year to attend a meeting or meetings of  
13 the trustees in the member's absence.

14 (B) For purposes of this paragraph, "officer or member of the  
15 same office or elective body of the member" means the following  
16 with respect to each ex officio member:

17 (i) Governor: a secretary of an executive agency appointed by  
18 the Governor.

19 (ii) Lieutenant Governor: a Member of the Senate.

20 (iii) Superintendent of Public Instruction: an elected county  
21 superintendent of schools.

22 (iv) Speaker of the Assembly: a Member of the Assembly.

23 (b) (1) Two students from the California State University, who  
24 shall have at least a junior year standing at the institutions they  
25 attend, and who remain in good standing as students during their  
26 respective terms, shall also be appointed by the Governor for  
27 two-year terms.

28 (2) In the selection of students as members of the board, the  
29 Governor shall appoint the students from lists of names of at least  
30 two, but not more than five, persons furnished by the governing  
31 board of any statewide student organization that represents the  
32 students of the California State University and the student body  
33 organizations of the campuses of the California State University.  
34 Any appointment to fill a vacancy of a student member shall be  
35 effective only for the remainder of the term of the person's office  
36 that became vacated.

37 (3) The term of office of one student member of the board shall  
38 commence on July 1 of an even-numbered year and expire on June  
39 30 two years thereafter. The term of office of the other student  
40 member of the board shall commence on July 1 of an

1 odd-numbered year and expire on June 30 two years thereafter.  
2 Notwithstanding paragraph (1), a student member who graduates  
3 from his or her college or university on or after January 1 of the  
4 second year of his or her term of office may serve the remainder  
5 of the term.

6 (4) ~~During the first year of a student member's term, a student~~  
7 ~~member shall be a member of the board and may attend all~~  
8 ~~meetings of the board and its committees. At these meetings, a~~  
9 ~~student member may fully participate in discussion and debate,~~  
10 ~~but may not vote. During the second year of a student member's~~  
11 ~~term, a student member may exercise the same right to attend~~  
12 ~~meetings of the board, and its committees, and shall have the same~~  
13 ~~right to vote as the members appointed pursuant to subdivision~~  
14 ~~(a).~~

15 (5) ~~Notwithstanding paragraph (4), if a student member resigns~~  
16 ~~from office or a vacancy is otherwise created in that office during~~  
17 ~~the second year of a student member's term, the remaining student~~  
18 ~~member shall immediately assume the office created by the vacancy~~  
19 ~~and all of the participation privileges of the second-year student~~  
20 ~~member, including the right to vote, for the remainder of that term~~  
21 ~~of office.~~

22 (e) (1) ~~A faculty member from the California State University,~~  
23 ~~who shall be tenured at the California State University campus at~~  
24 ~~which he or she teaches, shall also be appointed by the Governor~~  
25 ~~for a two-year term. In the selection of a faculty member as a~~  
26 ~~member of the board, the Governor shall appoint the faculty~~  
27 ~~member from a list of names of at least two persons furnished by~~  
28 ~~the Academic Senate of the California State University.~~

29 (2) ~~The faculty member of the board appointed by the Governor~~  
30 ~~pursuant to this subdivision shall not participate on any~~  
31 ~~subcommittee of the board responsible for collective bargaining~~  
32 ~~negotiations.~~

33 (3) ~~The term of office of the faculty member of the board shall~~  
34 ~~commence on July 1, and shall expire on June 30 two years~~  
35 ~~thereafter.~~

36 SEC. 2. ~~Section 92022 is added to the Education Code, to read:~~  
37 ~~92022. It is the intent of the Legislature that each ex officio~~  
38 ~~member of the Regents of the University of California, to the extent~~  
39 ~~authorized pursuant to Section 9 of Article IX of the California~~  
40 ~~Constitution, designate a person to attend a meeting or meetings~~

1 of the regents in the member's absence in a manner that is  
2 consistent with subparagraph (A) of paragraph (2) of subdivision  
3 (a) of Section 66602.

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